

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
SAN ANGELO DIVISION**

TANIA LAMBERT;

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Plaintiff,

§

VS.

CASE NO. 6:14-cv-00061

**GERARD ANTHONY SCACCHI AND
RED ROCK OIL FIELD HAULING,
LLC;**

§

Defendants.

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PLAINTIFF'S ORIGINAL COMPLAINT AND REQUEST FOR JURY TRIAL

To THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Tania Lambert, Plaintiff, complaining of Gerard Anthony Scacchi and Red Rock Oil Field Hauling, LLC, Defendants, and for cause of action would respectfully show the Court and Jury the following:

PARTIES

1. Plaintiff, Tania Lambert, is a resident citizen of Dallas, Dallas County, Texas.
2. Defendant, Gerard Anthony Scacchi is a resident of Wildwood, Sumter County, Florida and may be served with process at 504 2nd Ave., Wildwood, Florida, 34785.
3. Red Rock Oil Field Hauling, LLC is an Arkansas Limited Liability Company and may be served with process by serving its registered agent Thomas C. Vaughan, Jr., 3333 Pinnacle Hills Parkway, Penthouse Two, Rogers, Arkansas, 72758.

JURISDICTIONAL FACTS

4. This Court has jurisdiction in this case pursuant to US Code 1332,

Diversity of citizenship. At the time this cause of action was commenced, Defendant Gerard Anthony Scacchi was an individual resident of Wildwood, Sumter County Florida and Defendant Red Rock Oil Field Hauling, LLC was a foreign for-profit corporation conducting business in Rogers, Arkansas.

5. Plaintiff's damages are in excess of the minimum jurisdictional limits of \$75,000.

VENUE FACTS

6. Venue is proper in the San Angelo Division of the Northern District of Texas because the incident made the basis of this suit occurred in Glasscock County, Texas, located within the boundaries of the San Angelo Division of the Northern District of Texas.

FACTUAL BACKGROUND

7. This lawsuit arises out of an 18-wheeler collision that occurred Tuesday, September 3, 2013, on CR 490 within the county limits of Glasscock County, Texas. At the time and on the occasion in question, Plaintiff Tania Lambert was operating an 18-wheeler traveling westbound on CR 490. Defendant Gerard Anthony Scacchi was operating an 18-wheeler, owned by Red Rock Oil Field Hauling, LLC, traveling eastbound on CR 490, pulling and over-sized load. Plaintiff Tania Lambert pulled over and stopped on the north side of the roadway to allow Defendant to pass. Defendant Gerard Anthony Scacchi failed to drive in a single lane and collided with Plaintiff's 18-wheeler. As a result of the collision, Plaintiff Tania Lambert suffered injuries and damages and continues to suffer injuries and damages from this incident.

CAUSES OF ACTION AGAINST DEFENDANT

8. At the time, and on the occasion in question, Defendant Gerard Anthony Scacchi was an employee of Defendant Red Rock Oil Field Hauling, LLC and acting in

the course and scope of his employment.

9. At the time, and on the occasion in question, Defendant Gerard Anthony Scacchi was operating his 18-wheeler negligently. Specifically, Defendant had a duty to exercise ordinary care and operate his 18-wheeler reasonably and prudently. Defendant breached that duty in one or more of the following respects:

- a. Defendant failed to keep such proper lookout and attention to the roadway as a person of ordinary prudence would have kept under the same or similar circumstances;
- b. Defendant Gerard Anthony Scacchi failed to keep an assured safe distance from Plaintiff's 18-wheeler;
- c. Defendant Gerard Anthony Scacchi failed to timely apply the brakes of his 18-wheeler in order to avoid the collision in question;
- d. Defendant Gerard Anthony Scacchi failed to drive in a single lane of traffic;
- e. Defendant Gerard Anthony Scacchi drove into on-coming traffic; and
- f. Defendant Gerard Anthony Scacchi failed to safely operate his 18-wheeler.

10. Each of the above and foregoing acts and omissions, singularly or in combination, constituted the negligence that was the proximate cause of the motor 18-wheeler collision and consequently the injuries and damages of Plaintiff

11. As an additional cause of action, Plaintiff would show that at the time and on the occasion complained of, Red Rock Oil Field Hauling, LLC negligently entrusted its 18-wheeler to Defendant Gerard Anthony Scacchi in that it knew or should have known that its driver, Defendant Gerard Anthony Scacchi, was a negligent, incompetent, and/or reckless driver incapable of safely operating the 18-wheeler in question and that to allow him to operate the 18-wheeler would endanger the health and safety of persons such as Plaintiff.

12. Additionally, Plaintiff would show that at the time and on the occasion complained of, Defendant Gerard Anthony Scacchi was in the course and scope of his employment with Defendant Red Rock Oil Field Hauling, LLC thereby making Defendant Red Rock Oil Field Hauling, LLC liable under the doctrine of *Respondeat Superior*.

13. Defendant Red Rock Oil Field Hauling, LLC failed to properly train and/or supervise Defendant Gerard Anthony Scacchi in order to prevent such accident.

DAMAGES

14. As a proximate result of Defendants' negligence, Plaintiff suffered extensive injuries and damages. As a result of Plaintiff's injuries, Plaintiff seeks monetary damages against the Defendant for the following:

- a. Medical expenses in the past and future;
- b. Lost wages in the past and future;
- c. Physical pain and suffering in the past and future;
- d. Mental anguish in the past and future;
- e. Physical impairment in the past and future;
- f. All other relief, in law and in equity, to which Plaintiff may be entitled.

REQUEST FOR JURY TRIAL

15. Plaintiff hereby demands a trial by jury and includes the appropriate jury fee.

RELIEF

16. WHEREFORE, PREMISES CONSIDERED, Plaintiff requests that Defendant be cited to appear and answer herein, and that upon final hearing thereof, Plaintiff have:

- a. Judgment against Defendants for Plaintiff's past and future medical expenses;
- b. Judgment against Defendants for Plaintiff's lost wages in the past and loss of earning capacity in the future;
- c. Judgment against Defendants for Plaintiff's physical pain and suffering in the past and future in an amount to be determined by the jury;
- d. Judgment against Defendants for Plaintiff's mental anguish in the past and future in an amount to be determined by the jury;
- e. Judgment against Defendants for Plaintiff's physical impairment in the past and future in an amount to be determined by the jury;
- f. Interest on the judgment at the legal rate from the date of judgment;
- g. Pre-judgment interest on Plaintiff's damages as allowed by law;
- h. All costs of court; and
- i. Such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

EBERSTEIN & WITHERITE, LLP

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